

85<sup>th</sup> Legislative Session – 2010

Committee: House Agriculture and Natural Resources

Thursday, February 18, 2010

P - Present  
E - Excused  
A - Absent

Roll Call

P Cronin  
P Frerichs  
E Hoffman  
P Kopp  
P Olson (Betty)  
P Schrempp  
P Sly  
P Sorenson  
P Street  
P Van Gerpen  
P Verchio  
P Vanneman, Vice-Chair  
P Brunner, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chairman Brunner.

MOTION: TO APPROVE THE MINUTES OF FEBRUARY 16, 2010.

Moved by: Vanneman  
Second by: Verchio  
Action: Prevailed by voice vote.

HB 1057: revise and update certain provisions relating to dairy production and inspection.

Representatives Vanneman, Sly, Frerichs, and Sorenson reported on testimony given at the House Agriculture and Natural Resources Subcommittee meeting held on February 16, 2010.

Proponents: Bill Even, SD Department of Ag  
John Kerstiens, SD Farmers Union  
Opponents: Luke Temple, Dakota Rural Action (Handouts 1 and 2)  
Lealand Schoon, self, White River

MOTION: AMEND HB 1057

1057ta

On page 1 of the printed bill, delete lines 4 to 12, inclusive, and insert:

"

Section 1. That § 39-6-3 be amended to read as follows:

39-6-3. ~~Section 39-6-2 shall~~ The provisions of § 39-6-2 do not apply to milk, cream, skim milk,  
or goat milk occasionally secured or purchased for his personal use by any consumer at the place or  
farm where the milk is produced, ~~and provided further, that § 39-6-2 shall not apply to or to any~~  
active farm producer of milk, selling and delivering ~~his~~ the producer's own production direct to  
consumers only, if the place or farm where the milk is produced has a license or permit issued by the  
department pursuant to § 40-32-4 or 40-32-10.1. The containers in which any unpasteurized milk  
is sold shall be clearly labeled by the producer as "raw milk." ~~Failure to affix such label is a Class~~  
~~2 misdemeanor."~~

On page 8, line 6, after "violation" insert "or may be subject to injunctive and declaratory relief".

Moved by: Vanneman  
Second by: Street  
Action: Failed by roll call vote. (5-6-2-0)

Voting Yes: Cronin, Street, Verchio, Vanneman, Brunner

Voting No: Kopp, Olson (Betty), Schrempp, Sly, Sorenson, Van Gerpen

Excused: Frerichs, Hoffman

MOTION: AMEND HB 1057

1057tc

On page 1 of the printed bill, delete lines 4 to 12, inclusive, and insert:

" Section 1. That § 39-6-3 be amended to read as follows:

39-6-3. ~~Section 39-6-2 shall~~ The provisions of § 39-6-2 do not apply to milk, cream, skim milk, or goat milk occasionally secured or purchased for his personal use by any consumer at the place or farm where the milk is produced, and provided further, that § 39-6-2 shall not apply or to any active farm producer of milk, cream, and goat milk selling and or delivering his the producer's own production direct to consumers only. The containers in which any unpasteurized milk is sold shall be clearly labeled by the producer as "raw milk." Failure to affix such label is a Class 2 misdemeanor. Producers are not required to obtain a permit or license. The department may not promulgate any rule pertaining to any product or producer specified in this section."

On page 8, line 9, after ":", Insert "The civil penalties provided for in this section do not apply to any product or producer specified in § 39-6-3.".

Moved by: Street  
Second by: Kopp  
Action: Failed by voice vote.

MOTION: AMEND HB 1057

1057ta

On page 1 of the printed bill, delete lines 4 to 12, inclusive, and insert:

"

Section 1. That § 39-6-3 be amended to read as follows:

39-6-3. ~~Section 39-6-2 shall~~ The provisions of § 39-6-2 do not apply to milk, cream, skim milk, or goat milk occasionally secured or purchased for his personal use by any consumer at the place or farm where the milk is produced, and provided further, that § 39-6-2 shall not apply to or to any active farm producer of milk, selling and delivering his the producer's own production direct to consumers only, if the place or farm where the milk is produced has a license or permit issued by the department pursuant to § 40-32-4 or 40-32-10.1. The containers in which any unpasteurized milk is sold shall be clearly labeled by the producer as "raw milk." Failure to affix such label is a Class 2 misdemeanor."

On page 8, line 6, after "violation" insert "or may be subject to injunctive and declaratory relief".

Moved by: Sly  
Second by: Vanneman  
Action: Prevailed by roll call vote. (10-1-2-0)

Voting Yes: Cronin, Kopp, Olson (Betty), Schrempp, Sly, Street, Van Gerpen, Verchio, Vanneman, Brunner

Voting No: Sorenson

Excused: Frerichs, Hoffman

MOTION: DO PASS HB 1057 AS AMENDED

Moved by: Verchio  
Second by: Street  
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER HB 1057 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Olson (Betty)  
Second by: Sorenson  
Action: Failed by roll call vote. (3-8-2-0)

Voting Yes: Olson (Betty), Schrempp, Sorenson

Voting No: Cronin, Kopp, Sly, Street, Van Gerpen, Verchio, Vanneman, Brunner

Excused: Frerichs, Hoffman

THE MOTION TO DO PASS HB 1057 AS AMENDED

Moved by: Verchio  
Second by: Street  
Action: PREVAILED BY ROLL CALL VOTE. (7-4-2-0)

Voting Yes: Cronin, Kopp, Sly, Street, Verchio, Vanneman, Brunner

Voting No: Olson (Betty), Schrempp, Sorenson, Van Gerpen

Excused: Frerichs, Hoffman

HB 1113: specify certain animal species for animal damage control.

Chairman Brunner handed the gavel to Vice Chair Vanneman.

Proponents: Representative Thomas Brunner  
Chase Adams, SD Sheepgrowers (Handout 3)  
John Kerstiens, SD Farmers Union  
Dave Nelson, self, Lake Preston  
Jeremiah M. Murphy, SD Stockgrowers  
Opponents: Bill Even, Secretary of Agriculture  
Brenda Forman, SD Ag Unity

MOTION: AMEND HB 1113

1113ta

On page 1, line 7, of the printed bill, delete "and beavers" and insert "beavers, and other wild animals".

On page 1, line 13, delete "and beavers" and insert "beavers, and other wild animals".

Moved by: Street  
Second by: Frerichs  
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND HB 1113

1113tb

On page 1, line 7, of the printed bill, after "skunks," insert "muskrats,".

On page 1, line 13, after "skunks," insert "muskrats,".

Moved by: Frerichs  
Second by: Olson (Betty)  
Action: Failed by roll call vote. (5-7-1-0)

Voting Yes: Frerichs, Olson (Betty), Schrempp, Sorenson, Brunner

Voting No: Cronin, Kopp, Sly, Street, Van Gerpen, Verchio, Vanneman

Excused: Hoffman

THE MOTION TO AMEND HB 1113

1113ta

On page 1, line 7, of the printed bill, delete "and beavers" and insert "beavers, and other wild animals".

On page 1, line 13, delete "and beavers" and insert "beavers, and other wild animals".

Moved by: Street  
Second by: Frerichs  
Action: FAILED BY VOICE VOTE.

MOTION: DEFER HB 1113 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Sly  
Second by: Van Gerpen  
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS HB 1113

Moved by: Schrempp  
Second by: Olson (Betty)  
Action: Prevailed by roll call vote. (7-5-1-0)

Voting Yes: Frerichs, Kopp, Olson (Betty), Schrempp, Sorenson, Verchio, Brunner

Voting No: Cronin, Sly, Street, Van Gerpen, Vanneman

Excused: Hoffman

HB 1114: broaden the policy review committee for animal damage control.

Proponents: Representative Thomas Brunner  
Chase Adams, SD Sheepgrowers  
Jeremiah M. Murphy, SD Stockgrowers  
Dave Nelson, self, Lake Preston  
Opponents: Bill Even, Secretary of Agriculture  
Brenda Forman, SD Ag Unity

MOTION: DEFER HB 1114 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Van Gerpen

Second by: Cronin

Action: Prevailed by roll call vote. (7-5-1-0)

Voting Yes: Cronin, Kopp, Sly, Street, Van Gerpen, Verchio, Vanneman

Voting No: Frerichs, Olson (Betty), Schrempp, Sorenson, Brunner

Excused: Hoffman

HB 1115: provide for annual audits of the state predatory animal control fund.

MOTION: TO TABLE HB 1115

Moved by: Verchio

Second by: Olson (Betty)

Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Cronin, Frerichs, Kopp, Olson (Betty), Schrempp, Sly, Sorenson, Street, Van Gerpen, Verchio, Vanneman, Brunner

Excused: Hoffman

MOTION: ADJOURN

Moved by: Frerichs

Second by: Verchio

Action: Prevailed by voice vote.

Grace Curtis  
Committee Secretary

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Thomas J. Brunner, Chair